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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|----------------------|
| 09/608,184 | 06/30/2000 | Samuel N. Zellner | BS99-224 | 9720 |
| 39072 | 7590 | 05/11/2006 | EXAMINER | |
| MYERS BIGEL SIBLEY & SAJOVEC, P.A. P.O. BOX 37428 RALEIGH, NC 27627 | | | | BROWN, CHRISTOPHER J |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2134 | |

DATE MAILED: 05/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/608,184 | ZELLNER, SAMUEL N. | |
| | Examiner | Art Unit | |
| | Christopher J. Brown | 2134 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 02 March 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 56-65 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 56-65 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 3/02/2006 have been fully considered but they are not persuasive.

The applicant argues with respect to claim 56 that because Blonder US 5,708,422 teaches contents of a message that Bartoli US 6,047,268 contradicts Blonder because it is relied on to teach extra contents of a message. The examiner asserts that this is not the case. Even if the pager of Blonder does not "obviously" show a communication address, such as a phone number, as the applicant states, it would still not be contradictory to add information to Blonders message. Blonder does not specifically teach *not* sending a help communications address. Bartolis help communication address merely adds useful information that is in no way repugnant to the information already sent in the message of Blonder.

The applicant argues that the Blonder-Bartoli combination does not teach claim 56, because the references do not "describe or suggest sending a notification message substantially simultaneously with the determination that the transaction is valid or not valid, the notification message including a help communication address."

The examiner disagrees. Blonder does indeed teach sending a message substantially simultaneously with the determination that the transaction is valid or not valid. What

Blonder allegedly lacks is the help communication address. Bartoli makes up for this deficiency.

The applicant states, “in the monitoring stage, where a transaction is already denied or approved, there is no need for a customer to know where to call because the message sent is merely a notification message saying that the transaction occurred or did not occur. The examiner disagrees. There is nothing in the claim to define a monitoring stage as when “a transaction is already denied or approved” in fact the claim states that it sends a message simultaneously. Also there is nothing in the claim that states that a notification message is merely a message saying the transaction occurred or did not occur.

The applicant argues with respect to claim 57 that a communication address for reporting criminal activity is not shown in the Blonder-Bartoli combination. Bartoli teaches a customer assistance number at which the examiner asserts could be used to report criminal activity for instance, a stolen credit card. The applicant’s instant specification states on page 11 line 13 “to report criminal activity, e.g., the phone number of credit card company”. Bartoli teaches a customer assistance number of a “billing system”, which is equivalent to a credit card company.

The applicant argues with respect to claim 58 that the Blonder-Bartoli combination does not teach information that is independent of the commercial transaction. The examiner

had cited column 7 lines 49-53, and Figure 5, 502, indicating that the “card was used for XX transactions within 24 hours” this statement, is completely independent of the “commercial transaction” in question, while field 501 (charging limit exceeded) and field 503 (was used at XXXX) are specific to the commercial transaction in question. The examiner asserts that field 502 is independent of “the commercial transaction”. Furthermore, Figure 4, field 401 states the card holders name, which may also be independent of “the commercial transaction”.

New claims 63-65 are rejected below.

With regards to the applicant’s arguments regarding new claims 57-65, please see the Final rejection below.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 56-65 are rejected under 103(a) as being unpatentable over Blonder US 5,708,422 in view of Bartoli US 6,047,268

As per claim 56, 60, Blonder teaches a payer (customer) who is initiating a commercial transaction (charge a purchase), (Col 4 lines 34-40). Blonder teaches requesting authorization (validation) for the commercial transaction (Col 5 lines 25-28, 32-37).

Blonder teaches notifying the payer (customer) substantially simultaneously of the commercial transaction upon a request for authorization of the commercial transaction (Col 2 line 61 – Col 3 line 3, Col 7 lines 20-33). Blonder teaches a notification device (Pager) to receive the message and present it to the payer (Col 11 lines 38-42).

Blonder does not explicitly teach sending a contact help number with the page or message

Bartoli teaches sending a message to the user regarding a financial transaction including a customer assistance phone number, (Col 7 lines 28-34). It would have been obvious to one of ordinary skill in the art to combine the customer assistance phone number with the notification message of Blonder because a customer receiving the message by page would need to know where to call.

As per claim 57, the Blonder-Bartoli combination teaches a customer assistance phone number which may be used to report criminal activity, (Bartoli Col 7 lines 28-34).

As per claims 58, 59, 61, and 62 Blonder teaches that the message contains information independent of the commercial transaction (Col 7 lines 49-53, Fig 5, 502).

As per claims 63, 64, and 65, Blonder teaches an authorization indicator that the transaction is authorized, (Col 12 lines 5-7).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher J. Brown whose telephone number is (571)272-3833. The examiner can normally be reached on 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jaques Louis Jaques can be reached on (571)272-6962. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2134

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher J. Brown

4/30/06



JAMES H. LOUIS-JACQUES
PRIMARY EXAMINER